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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,221	01/13/2004	Scott P. Kaplan	P02799	3786
28548	7590	01/21/2009	EXAMINER	
Stoneman Volk Patent Group			BROOKS, MATTHEW L	
3770 NORTH 7TH STREET, Suite 100			ART UNIT	PAPER NUMBER
PHOENIX, AZ 85014			3629	
			MAIL DATE	DELIVERY MODE
			01/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,221	KAPLAN ET AL.	
	Examiner	Art Unit	
	MATTHEW L. BROOKS	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 October 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 10-12 and 16-17, 19-22 and 23-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 7,069,333 B1 (Morris).

3. With respect to **claim 1**: Morris teaches

An Internet-website-client-server-assisted system, relating to providing on-location electronics troubleshooting services, comprising the steps of (see Fig 9 and C12, 29):

- a. registering customer information relating to at least one customer (Fig 4);
- b. registering technician information relating to at least one technician having electronics-technician abilities relating to providing such on-location electronics troubleshooting services (Fig 3);
- c. maintaining a database, on at least one Internet website client server, of such customer information relating to such at least one customer (Fig 1, 110);

d. maintaining a database, on such at least one Internet website client server, of such technician information relating to such at least one technician (Fig 3 and Fig 1, 110);

e. collecting automatically, using such at least one Internet website client server, at least one fee from such at least one customer relating to such on-location electronics troubleshooting services (C2, 34-38);

f) receiving, on such at least one Internet website client server, requests relating to such on-location electronics troubleshooting services from such at least one customer (C2, 24-30);

g) notifying automatically, using such at least one Internet website client server, such at least one technician to provide such on-location electronics troubleshooting services requested by such at least one customer (C2, 24-30);

h) receiving on-location electronics troubleshooting service information, on at least one Internet website client server, from such at least one technician (C12, 55-65); and

i) maintaining a database, on such at least one Internet website client server, of such on-location electronics troubleshooting service information (C12, 10-20).

4. With respect to **claim 2**: Morris teaches wherein such at least one customer and such at least one technician are sufficiently co-located within geographical areas to provide appropriate response times (C14, 48-55).

5. With respect to **claim 3** wherein such step of receiving on-location electronics troubleshooting service information by such at least one technician comprises the steps of: a) receiving start time of such on-location electronics troubleshooting service, on such at least one Internet website client server, from selected such at least one technician (Fig 3 AND Fig 8b, total time); b) receiving end time of such on-location electronics troubleshooting services, on such at least one Internet website client server, from selected such at least one technician (Fig 8b total time); c) storing such start time of such on-location electronics troubleshooting service on such at least one Internet website client server (C21, 5-40); and d) storing such end time of such on-location electronics troubleshooting service on such at least one Internet website client server (Fig 1, 110).

6. With respect to **claim 4** further comprising the steps of: a) receiving indication of any need relating to repair service, on such at least one Internet website client server, from such selected at least one technician (C2, 20-30); b) receiving indication of selected type of such repair service, on such at least one Internet website client server, from such selected at least one technician (Fig 4 and 5); c) storing such indication of any need relating to repair service on such at least one Internet website client server (Fig 4 and Fig 5); d) storing such selected type of such repair service, on such at least one Internet website client server (Fig 4 and Fig 5); e) selecting such at least one repair service of such selected type of repair service (Fig 4 and Fig 5); and f) notifying such selected at least one repair service to contact such at least one customer (Fig 4 and Fig 5).

7. With respect to **claim 5** further comprising a) receiving customer satisfaction evaluation from such selected at least one technician (C13, 25-30 reviewed by customer); and b) storing such customer satisfaction evaluation (Fig 1, 110).
8. With respect to **claim 6** wherein such step of collecting automatically, using such at least one Internet website client server, at least one fee from such at least one customer relating to such on-location electronics troubleshooting services comprises the steps of: a) agreeing to at least one payment of a specified amount by such at least one customer (C13, 20-40); and b) receiving such at least one payment (C11, 22-40).
9. With respect to **claim 10** further comprising the steps of: a) notifying such at least one customer requesting such on-location electronics troubleshooting services of estimated time of arrival of notified such at least one technician (Fig 4 and C19, 43-55); and b) providing such on-location electronics troubleshooting services to such at least one customer (C19, 43-55).
10. With respect to **claim 11** wherein such step of notifying such at least one customer requesting such on-location electronics troubleshooting services of estimated time of arrival of notified such at least one technician comprises the steps of: a) providing to such at least one customer such estimated time of arrival by such notified such at least one technician (Fig 4 and C19, 43-55); and b) recording such estimated time of arrival provided by such notified such at least one technician (C19, 43-55).
11. With respect to **claim 12** further comprising the steps of: a) providing such on-location electronics troubleshooting services to such at least one customer at any time

of day (Fig 2); and b) providing such on-location electronics troubleshooting services to such at least one customer on any day (Fig 2).

12. With respect to **claim 16** wherein such step of registering technician information relating to at least one technician having electronics-technician abilities relating to providing such on-location electronics troubleshooting services comprises the steps of:

- a) establishing a plurality of qualification criteria relating to selecting such at least one technician (C115-15 and 40-60); b) wherein such qualification criteria comprise i) geographic location of residence of such at least one technician (C115-15 and 40-60), and ii) required minimum competency levels relating to electronics-technician abilities (C115-15 and 40-60); and c) recruiting such at least one technician (C115-15 and 40-60); and
- d) recording technician information, on at least one Internet website client server, relating to selected such at least one technician (C115-15 and 40-60); e wherein such technician information comprises i) technician name, ii) technician home address, iii) technician home telephone number, iv) technician email address, and v) technician electronics-technician skills (Fig 2—3 and C115-15 and 40-60); f) selecting such at least one technicians using such plurality of qualification criteria (Fig 2—3 and C115-15 and 40-60); g) assigning such selected at least one technician a unique identification number (Fig 2—3 and C115-15 and 40-60); h) assigning such technician home address to at least one geographic dispatch area (Fig 2—3 and C115-15 and 40-60); and i) implementing at least one technician user interface module of such Internet-website-client-server-assisted system (Fig 2—3 and C115-15 and 40-60).

13. With respect to **claim 17** wherein such technician information further comprises:

a) technician cellular phone number; and b) technician pager number (Fig 2—3 and C115-15 and 40-60).

14. With respect to **claim 19** wherein such step of notifying automatically, using such at least one Internet website client server, such at least one technician to provide such on-location electronics troubleshooting services requested by such at least one customer comprises the steps of: a) selecting such at least one technician using dispatch selection criteria (Fig 3 and C11 –C12); b) wherein such dispatch selection criteria comprises i) identifying at least one of such at least one technician assigned to such same geographic dispatch area as such service location of such at least one customer requesting on-location electronics troubleshooting services (Fig 3 and C11 –C12), and ii) identifying at least one such technician having greatest elapsed time since such last notification (Fig 3 and C11 –C12); and c) notifying such at least one technician to provide such on-location electronics troubleshooting services requested by such at least one customer (Fig 3 and C11 –C12); and d) recording time of such notification, on such at least one Internet website client server, of such at least one technician (Fig 3 and C11 –C12).

15. With respect to **claim 20** further comprising the steps of:

a) receiving at least one work shift start request (Fig 3 and C11 –C12), on such at least one Internet website client server, from such at least one technician; b) storing time of day and date of receipt of such work shift start request, on such at least one Internet website client server, from such at least one technician (Fig 3 and C11 –C12); c)

sending confirmation of start of work shift to such at least one technician; d) receiving at least one end of work shift request, on such at least one Internet website client server, from such at least one technician (Fig 3 and C11 –C12); e) storing time of day and date of receipt of such at least one end of work shift request, on such at least one Internet website client server, from such at least one technician(Fig 3 and C11 –C12); and f) sending confirmation of end of work shift to such at least one technician (Fig 3 and C11 –C12).

16. With respect to **claim 21** further comprising the step of presenting planned shift scheduling to such at least one technician (C11 –C12).

17. With respect to **claim 22** further comprising the steps of: a) preparing text-based reports; and b) preparing graphical reports (C20, 35-45 “work order report”).

18. Claims **23 – 32** being the system for carrying out the above method steps and having nearly identical claim limitations is rejected based upon the same analysis.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims **7-9 and 13-15 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Pub. No.: US 2002/0025796 A1 (Taylor).

Morris teaches all of the elements claimed with the exception of using credit card information over the Internet as the method of paying for the purchased services.

Further it teaches “contract customers” C6, 1-10 and entering information of customer in prior to whole process begins, Morris also teaches at C11 that all the customer information needed for billing is then entered into system for billing purposes. Morris fails to teach using a credit card and prior authorizations for billings on said card and logging on to site for entry of said credit data.

Taylor teaches that paying for purchases an the arrangements claimed using credit card information sent from a POS device while remotely located over networks is old and well established in the business of e-commerce as a convenient way for a consumer to pay for purchased items. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of paying for the Electronic Trouble Shooting Services purchases in Morris by using credit card information sent

over networks because the skilled artisan would have recognized that this business practice streamlines the process of a field agent and is clearly applicable to the sale of any type of product or service. Note that Applicants attempt to limit the use of such a POS system to a certain field of use (ie: Electronic Trouble Shoot Services) is not sufficient to warrant patentability. These advantages are well known to those skilled in the art.

Response to Arguments

22. Applicant's arguments filed 11/06/2008 with respect to claims 1-6, 10-12, 19-22 and 23-32 have been fully considered but they are not persuasive. See analysis below.
23. Applicant's arguments with respect to claims 7-9, 13-15 and 18 have been considered but are moot in view of the new ground(s) of rejection, which was made to merely reply to Applicant traversal of Official Notice. Examiner with in minutes found a portable system which would allow a field agent to collect payment by way of credit card.
24. In reply to: Applicant assertion that "collecting automatically" is not taught, this is false. The claims are to be read as broadly as is reasonable. In the present case the mere fact that Morris is done by a computer means it is automated, further the cited portions say it is automatic and lastly see the fig 9, 900 which clearly teaches Morris employs use of internet in same broad manner Applicant claims.\

25. With respect to claim 2; Examiner disagrees, Morris teaches a specific example teaching that a tech could be co-located 30 miles away from job site. A species “anticipate” genus.
26. With respect to claim 3; Applicant is directed to fig 3 which shows a bar graph which clear as day teaches total time tech spent on project.\
27. With respect to claim 5 there is no difference between the two. Examiner disagrees with Applicant assertion.
28. With rest of Applicant assertions Examiner disagrees and maintains rejections made.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB
1/14/2009

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629

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